UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TODD R.G. HILL,

Plaintiff,

v.

THE BOARD AND DIRECTORS, OFFICERS, AND AGENTS AND INDIVIDUALS OF PEOPLES COLLEGE OF LAW, et al.,

Defendants.

No. 2:23-cv-01298-JLS-BFM

ORDER DENYING MOTION TO ALTER JUDGMENT UNDER RULE 59(E), FOR CERTIFICATION OF INTERLOCUTORY APPEAL, AND FOR ENTRY OF PARTIAL JUDGMENT

Before the Court is Plaintiff Todd R.G. Hill's motion to alter or amend judgment under Rule 59(e) (ECF 286), as well as motions for certification of interlocutory appeal and for entry of partial judgment. (ECF 334, 335.) For the reasons stated below, the Court **denies** the Motions.

On February 12, 2025, the Magistrate Judge issued an Interim Report and Recommendation, recommending dismissal of Plaintiff's Third Amended Complaint. (*See* ECF 213.) The Report recommended dismissal of all of Plaintiff's federal claims without leave to amend, with the narrow exception of his civil RICO claim against a subset of Defendants. (ECF 213 at 29-30.) It also

recommended dismissing all Defendants associated with the State Bar of California with prejudice. (ECF 213 at 32.) Plaintiff filed Objections to the Interim Report and Recommendation (ECF 217) and several motions for judicial notice of various documents. (*See* ECF 222, 224, 227, 228, 232, 243.) The Court accepted the Magistrate Judge's Interim Report and Recommendation on March 27, 2025. (ECF 248). Plaintiff sought reconsideration on March 28, 2025. (ECF 253.) That request was denied. (ECF 312.)

Plaintiff now moves to alter or amend judgment pursuant to Rule 59(e). (ECF 286.) The Court has not entered judgment in this case, and thus relief pursuant to Rule 59(e) is inappropriate. *Balla v. Idaho State Bd. of Corr.*, 869 F.2d 461, 466-67 (9th Cir. 1989) ("Rule 59(e) clearly contemplates entry of judgment as a predicate to any motion."); *Nintendo of Am., Inc. v. Storman*, No. 19-CV-7818-CBM-RAOx, 2021 WL 4772529, at *4 (C.D. Cal. Aug. 5, 2021) ("Here, no judgment has been entered, and therefore Defendant's Motion pursuant to Rule 59(e) is premature.").

Plaintiff also moves for certification of an interlocutory appeal under 28 U.S.C. § 1292(b) and for entry of partial final judgment under Rule 54(b). (ECF 334, 335.[1]) With respect to both requests, Plaintiff argues that dismissal of the State Bar Defendants with prejudice ends proceedings against a subset of Defendants, and that delaying Plaintiff's ability to seek further review of the Court's Order with respect to those Defendants does not serve the interests of justice.

After review, the Court concludes that neither form of relief is appropriate at this juncture. Certification of a non-appealable order under section 1292(b) is appropriate (1) where the order involves a controlling question of law; (2) as to

[1] The two Motions appear to be identical, except the version docketed at ECF 335 attaches a copy of the Court's Order on Reconsideration.

which there is a substantial ground for difference of opinion; and (3) where immediate appeal from the order may materially advance the ultimate termination of the litigation. 28 U.S.C. § 1292(b). Section 1292(b) "is a departure from the normal rule that only final judgments are appealable." *James v. Price Stern Sloan, Inc.*, 283 F.3d 1064, 1068 n. 6 (9th Cir. 2002). As such, it "must be construed narrowly," *id.*, and be used only in "exceptional situations in which allowing an interlocutory appeal would avoid protracted and expensive litigation." *In re Cement Antitrust*, 673 F.2d 1020, 1025-26 (9th Cir. 1982). The Court cannot make that finding here. Plaintiff's claims against the State Bar Defendants raise certain issues unique to them, but in many respects, the problems with Plaintiff's claims against the State Bar Defendants overlap with the problems identified in the claims against the remaining Defendants. Immediate appeal of the issues against the State Bar would not materially advance the ultimate termination of the litigation but would instead multiply the number of appeals raising related but not identical issues. Given the "strong federal policy against piecemeal appeals," *Vaughn v. Regents of Univ. of California*, 504 F. Supp. 1349, 1355 (E.D. Cal. 1981), the Court declines to certify Plaintiff's claim for interlocutory appeal.

For the same reason, entry of a partial final judgment is not appropriate either. Under Rule 54(b), courts are permitted to direct entry of judgment "as to one or more, but fewer than all, claims or parties." Fed. R. Civ. P. 54(b). Among other requirements, the court must find that there is "no just reason for delay." *Id.* In deciding whether "just reason" exists, courts must consider "judicial administrative interests," keeping in mind the "historic federal policy against piecemeal appeals." *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980). Entering partial judgment on Plaintiff's claims against the State Bar Defendants would multiply related but not identical appeals and would not

serve the interests of judicial economy. The Court thus declines to enter partial judgment at this time.

CONCLUSION

For the foregoing reasons, the Court **denies** the Rule 59(e) Motion (ECF 286) and the Motions for Certification of Interlocutory Appeal and for Entry of Partial Final Judgment (ECF 334, 335).

DATED: July 11, 2025

HONORABLE JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE